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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,845	11/15/2001	Jason F. Hunzinger	09752-103001	6903
27572	7590	10/19/2005	EXAMINER	
HARNESSE, DICKEY & PIERCE, P.L.C.			WONG, WARNER	
P.O. BOX 828			ART UNIT	
BLOOMFIELD HILLS, MI 48303			PAPER NUMBER	
			2668	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/998,845

Applicant(s)

HUNZINGER, JASON F.

Examiner

Warner Wong

Art Unit

2668

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 15 November 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-10 and 17 are objected to because of the following informalities:

Regarding claim 1, page 13, lines 3 and 8 recite "a reference sector". The examiner believes that both references are referring to a single reference sector. Thus "a reference sector" on line 8 should be reworded to "the reference sector".

Regarding claim 6, page 14, line 3 recites "a reference sector". The examiner believes that it is referring to the same reference sector as in claim 1 (page 13, line 3). Thus "a reference sector" on line 3 should be reworded to "the reference sector". Also, the phrase "below than" on line 3 is grammatically incorrect. It should be reworded to either "less than" or "below".

Regarding claim 7, page 14, line 6 recites "a reference sector". The examiner believes that it is referring to the same reference sector as in claim 1 (page 13, line 3). Thus "a reference sector" on line 6 should be reworded to "the reference sector".

Regarding claim 17, page 15, line 18 recites "a reference sector". The examiner believes that it is referring to the same reference sector as in claim 11 (page 14, line 28). Thus "a reference sector" on line 18 should be reworded to "the reference sector".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-3, 6, 7, 10-13, 16, 17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hughes (6,718,170).

Regarding claims 1 and 11, Hughes describes a method for the remote unit processor (col.1, line 63) of adjusting a search-processing load for a wireless device, comprising:

measuring the frequency/how often in which a reference sector is searched (fig. 6, #94);

determining if the frequency in which a reference sector is searched is greater than a predetermined limit (fig. 6, #110);

reducing the search processing load when the frequency in which a reference sector is searched is greater than the predetermined limit (fig. 6, #112).

Regarding claims 2 and 12, Hughes describes pausing pilot searches process for a predetermined time period to reduce the (microprocessor) search processing load (col. 6, lines 4-6).

Regarding claims 3 and 13, Hughes describes adjusting a set of search parameters to lower the search-processing load (col. 8, lines 27-28).

Regarding claims 6 and 16, Hughes describes the increase of search processing load when the frequency in which a reference sector is searched is below (than) the predetermined limit (fig. 6, #114).

Regarding claims 7 and 17, Hughes describes that the search-processing method is for selecting a reference sector (col. 3, lines 12-14, "The microprocessor evaluates the energy associated with a potential offset, and, if it exceeds a certain threshold, assigns a signal demodulation element to that offset."

Regarding claims 10 and 20, Hughes describes the (re)-selecting a reference sector continuously (including the time following a handoff) (col. 4, lines 21-22, "multi-path searching must be performed on a virtually continuous basis").

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-5 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes in view of New (6,625,467).

Regarding claims 4 and 14, Hughes describes all limitations as set forth in claims 1 and 11.

Hughes lacks what New describes of searching one of (a plurality of subsets of) secondary sectors (neighboring base stations) each time the reference sector (preferred base station) is searched (fig. 5, #510).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the search method of Hughes to search secondary sectors per

search iteration as of New. The examiner declares that the secondary/neighbor list is well known and is used for providing candidates to be the reference sector. It would be advantageous to search the secondary sectors as often (each time) as searching for the reference sector, thus maximizing the best candidates to be selected as the reference sector.

Regarding claims 5 and 15, Hughes and New describes all limitations as set forth in claims 4 and 14.

Hughes lacks what New describes of selecting (evaluating) another/different (one of a plurality of subsets of) secondary sectors (neighboring base stations) with reference sector (preferred base station) search (fig. 5, #510).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the search method of Hughes to search secondary sectors per search iteration as of New. The examiner declares that the secondary/neighbor list is well known and is used for providing candidates to be the reference sector. It would be advantageous to search the secondary sectors as often (each time) as searching for the reference sector, thus maximizing the best candidates to be selected as the reference sector.

6. **Claims 8 and 18** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes in view of New and Storm ((5,889,768).

Hughes describes all limitations as set forth in claims 7 and 17.

Hughes lack what New explicitly describes, "reference sector is selected from a group consisting of the earliest received signal and strongest received signal (col. 3, lines 27-29, "the criteria to select base stations for the reacquisition search list may be based on the base station timing as well as the measured signal strength"; col. 3, lines 39-40, "based on the earliest of the preferred and neighboring base stations in the list"; and col. 2, lines 2-3, "Typically, the preferred base station is the base station that has the strongest pilot signal")

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the search method of Hughes to search for a reference sector based on earliest or strongest received signal. Using the strongest signal or the earliest signal is well-known in the art, also as stated "Typically, the preferred base station is the base station that has the strongest pilot signal as measured by the remote unit", (New, col. 2, lines 2-3). The motivation is to provide the best reference sector "so that the mobile station does not miss any pages and, consequently, not miss any calls" (Storm, col. 1, lines 64-66).

Hughes and New combined lack what Storm explicitly describes, "reference sector is selected from a group consisting of the most reliable signal" (col. 27-31, "pilot channel acquisition is performed in a reliable manner by utilizing finger receivers to track .. and provide reliable pilot signal strength measurements of the neighbor pilots and the active pilot.")

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the reference sector search method of Hughes and New to use the

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reliable signal criteria as per Storm. Using the reliability of the signal is well-known in the art. The motivation is to provide the best reference sector "so that the mobile station does not miss any pages and, consequently, not miss any calls." (Storm, col. 1, lines 64-66)

7. **Claims 9 and 19** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes ('170) in view of Hughes (6,704,577).

Hughes ('170) describes all limitations as set forth in claims 1 and 11.

Hughes (170) lacks what Hughes ('577) describes, "adjusting the predetermined limit based on historical information" (col. 10, lines 61-64, "search parameters may be modified based on previous search results").

It would have been obvious to one of ordinary skill in the art at the time of invention to reduce the search-processing load of Hughes by adjusting the search limit/parameters using historical information. The motivation is to "minimize power consumption in a remote unit in the idle state and thereby increase battery life" (Hughes '577, col. 5, lines 2-3) by reducing the search processing load.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Warner Wong whose telephone number is 571-272-8197. The examiner can normally be reached on 5:30AM - 2:00PM, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chieh Fan can be reached on 571-272-3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Warner Wong
Examiner
Art Unit 2668

WW

Chieh M. Fan

**CHIEH M. FAN
PRIMARY EXAMINER**